

IN THE DRAWINGS

The attached sheet of drawings includes a new Figure 9.

Attachment: New Figure 9.

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-25 are pending in this application, Claims 1-7, 9, 12-14, 16, 22, and 23 having been currently amended; and Claim 25 having been added. Support for amended Claims 1-7, 9, 12-14, 16, 22, and 23 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, the drawings were objected to due to informalities; Claims 1-11 and 20-24 were rejected under 35 U.S.C. § 112, first paragraph; Claims 9 and 16 were rejected under 35 U.S.C. § 112, second paragraph; Claims 12, 14, and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over alleged Applicant's admitted prior art (hereinafter "AAPA") in view of DeLuca et al. (U.S. Patent No. 4,860,003; hereinafter "DeLuca"); Claims 1-7, 18, and 20-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over AAPA in view of DeLuca and Clauberg (U.S. Patent No. 6,735,219); Claims 8 and 10-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over AAPA, DeLuca, and Clauberg in view of Robins et al. (U.S. Patent No. 6,430,184; hereinafter "Robins"); and Claims 13 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over AAPA and DeLuca in view of Robins.

Claims 9, 16, and 19 were indicated as allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter.

Applicant also acknowledges with appreciation the courtesy of Examiner Salman in granting an interview in this case with Applicant's representative on March 19, 2009, during which time the issues in the outstanding Office Action were discussed as substantially

¹ See page 6, lines 22-25 of the specification.

summarized hereinafter and also on the Interview Summary Sheet. No agreement was reached during the interview pending a formal response to the outstanding Office Action.

In response to the objection to the drawings, Applicant has added a new Figure 9 which shows the feature of an “external device” recited in Claim 6. Accordingly, Applicant respectfully submits that the objection to the drawings has been overcome.

In regard to the rejection of Claims 1-11 and 20-24 under 35 U.S.C. § 112, first paragraph, as discussed during the interview, the feature of “at least three packeting modules” is supported in the specification, for example, at page 5, line 3 and Figure 5.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-11 and 20-24 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In response to the rejection of Claims 9 and 16 under 35 U.S.C. § 112, second paragraph, Applicant has amended these claims to correct the informality noted in the outstanding Office Action.

Accordingly, Applicant respectfully requests that the rejection of Claims 9 and 16 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejections under 35 U.S.C. § 103(a), Applicant has amended independent Claim 1 to recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 is directed to a process for transmitting asynchronous data packets including telemetry data of flight testing installations including, *inter alia*:

...starting a packeting operation of asynchronous data including telemetry data of flight testing installations in several packeting modules;

receiving, in said several packeting modules, a message directly from a message composition module when the message composition module needs a data packet;

interrupting said packeting operation based on said message;

transmitting a packet of asynchronous data from each of the several packeting modules formed during said packeting operation prior to said interrupting step even if the packeting operation of the asynchronous data is not completed; and

repeating said steps of starting, receiving said message, interrupting, and transmitting thereby transmitting a plurality of data packets,

wherein said message composition module directly receives packets outputted by said several packeting modules, and ***a transmission time TMS of an outputted message from said message composition module, a packeting time TP, and a transmission time TT satisfy $TT=TP+TMS$, with $TP \gg TMS$.***

Independent Claim 12 recites substantially similar features as Claim 1. Thus, the arguments presented below with respect to independent Claim 1 are also applicable to independent Claim 12.

DeLuca is directed to a communication system that develops an information packet having a packet structure field in at least one message. DeLuca also describes that a central station accumulates and incorporates at least one message into an information packet. However, DeLuca fails to teach or suggest that “a transmission time TMS of an outputted message from said message composition module, a packing time TP, and a transmission time TT satisfy $TT=TP+TMS$ with $TP \gg TMS$,” as recited in Applicant’s amended Claim 1.

As discussed during the interview, DeLuca does not describe Applicant’s claimed relationship between the packeting time and the transmission time of an outputted message from the message composition module. In addition, the data packets in DeLuca do not include telemetry data of flight testing installations.

Accordingly, Applicant respectfully submits that amended independent Claims 1 and 12 (and all claims depending thereon) patently distinguishes over DeLuca. Further,

Applicant respectfully submits that AAPA, Clauberg, and Robins fail to cure any of the above-noted deficiencies of DeLuca.

Thus, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

In order to vary the scope of protection recited in the claims, new Claim 25 is added. New Claim 25 finds non-limiting support in the disclosure as originally filed, for example in Figure 5. Therefore, the changes to the claims are not believed to raise a question of new matter.²

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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² See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."